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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,666	04/14/2004	Bruce Ancona	1522/72065/NHZ	7526
7590 05/18/2005			EXAMINER	
NORMAN H. ZIVIN Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			HASHMI, ZIA R	
			ART UNIT	PAPER NUMBER
			2881	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/824,666	<b>Applicant(s)</b> ANCONA ET AL.	
	<b>Examiner</b> Zia R. Hashmi	<b>Art Unit</b> 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/24/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under U.S.C. 103(a) as being unpatentable over Peifer (6,096,264), in view of Duthie (6,688,475).

3. With respect to independent claims 1 and 12, Peifer discloses a sterilizer (col. 1, line 6) comprising: a housing forming an enclosure; a receptacle in said enclosure (Abstract, line 1, col. 1, lines 63-64, col. 2, lines 22-23, col. 3, lines 6-8, and col. 5, claim 7); means for closing the enclosure (Abstract, lines 3-4, col. 3, line 20, and 22, 24, 26, & 28 in Fig. 1); means for holding objects within the receptacle adjacent the closing means, such that the objects are exposed within the enclosure (col. 2, lines 18-22 and col. 4, lines 33-38); and a source of ultraviolet (UV) radiation located within the enclosure ( Abstract, lines 6-8, col. 2, lines 26-27, col. 3, lines 59-61, and 50 in Fig. 1), wherein UV radiation from the source of UV radiation is directed onto items located in the enclosure ( col. 3, lines 59-61, col. 5, claim 7, col. 6, lines 4-5, and 50 in Fig. 1).

4. With respect to claims 1-13, Peifer fails to disclose an ultraviolet light source specifically emitting radiation in the UV-C band, which is known to be in the region of 200-290 nanometers (nm). Duthie, however, discloses an ultraviolet source ( col. 5,

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lines 9-18 and 48, 50 in Fig. 3 & 5) emitting radiation through a wavelength range of 175-450 nm ( Abstract, lines 1-5 & 9-10, col. 3, lines 31-35, and Fig. 1), which covers the UV-C band, which is best known for sterilization (col. 4, lines 11-41). Duthie also discloses a power source; a power switch electrically connected to said source of UV radiation and to the power source ( col. 5, 41-63, and Fig. 5); and means for moving around items placed in the receptacle inside the enclosure, wherein; when the sterilizer is connected to the power source and the power switch is activated, UV radiation from the source of UV radiation is uniformly directed onto items located in said receptacle (col. 5, lines 9-30 and Fig. 3).

It would have been obvious to one having ordinary skill at the time of the invention was made to combine methods and apparatus of Peifer and Duthie for the purpose of sterilizing kitchen utensils and tools, because Peifer teaches ( col. 1, lines 14-17) that various articles are susceptible to being exposed to bacteria, viruses, spores, and other microbes.

### **Conclusion**

5. Warkentin discloses (5,459,322) an ultraviolet light chamber for exposing samples to UV radiation.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

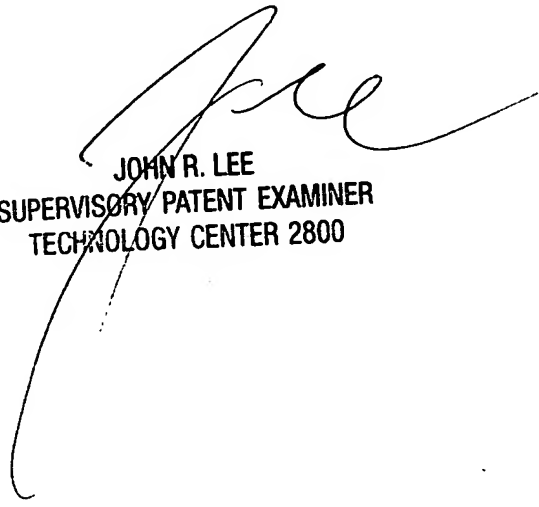
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have questions on access to the Private PAIR system, contact Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (571) 272-2473. The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477.

Zia Hashmi

May 6, 2005.



JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800